

Remarks

Claims 1-6 and 8-52 are pending. Claims 23-27 and 32-52 are withdrawn from consideration. Claims 1-6, 8-22 and 28-31 are presently under examination. Claims 1-6, 8-22 and 28-31 have been amended. No new matter has been added.

Drawings

Applicants reiterate that formal drawings will be required in this case when the application is allowed.

Section 112, first paragraph, Rejection (Enablement)

The Examiner has maintained the rejection of claims 1-6, 8-22 and 28-31 under 35 U.S.C. §112, first paragraph, as being non-enabled with regard to the scope

Applicants have amended the claims to clarify that the present invention is directed to the use of the inventive antibodies to prevent the toxicity which normally results from immunotherapy. Toxicity prevention is shown, for example, in Example 3 which shows that dogs given unmutated BR96 exhibited toxicity while dogs given BR96 mutated in the CH₂ domain according to the present invention showed no toxicity at all (i.e., toxicity was prevented).

Accordingly, withdrawal of the rejection under Section 112, first paragraph, is appropriate and is respectfully requested.

Section 102 Rejections

The Examiner rejected claims 1, 2, 5 and 8-10 under 35 U.S.C. §102(b) as being anticipated by WO 94/29351 ("Morgan"). In view of the amendments to the claims herein, Morgan clearly does not teach or suggest each and every element of the claimed invention, as required by Section 102. Accordingly, withdrawal of the rejection under Section 102(b) is appropriate and is respectfully requested.

The Examiner has rejected claims 1-6, 8, 11, 13-15, 17-19, 21, 22 and 28-31 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,792,456 ("Yelton"). In view of the amendments to the claims herein, Yelton clearly does not teach or suggest each and every element of the claimed invention, as required by Section 102.

The Examiner has rejected claims 1, 3, 5, 12, 16 and 20 under 35 U.S.C. §102(b) as being anticipated by WO 93/02702 ("Gundel"). In view of the amendments to the claims herein, Gundel clearly does not teach or suggest each and every element of the claimed invention, as required by Section 102.

Accordingly, withdrawal of the rejections under Section 102 is appropriate and is respectfully requested.


Conclusion

In view of the amendments and remarks above, Applicants submit that the claims are in condition for allowance and favorable action is therefore respectfully requested.

Please direct any questions regarding this reply to the undersigned attorney.

Respectfully submitted,

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